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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/826,920	04/19/2004	Shunpei Yamazaki	12732-228001 / US7116	1020
26171	7590	12/26/2008		
FISH & RICHARDSON P.C. P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			EXAMINER MOORE, KARLA A	
			ART UNIT 1792	PAPER NUMBER
			NOTIFICATION DATE 12/26/2008	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/826,920	<b>Applicant(s)</b> YAMAZAKI ET AL.	
	<b>Examiner</b> KARLA MOORE	<b>Art Unit</b> 1792	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-9,11-15,17-21,23,24 and 29-32 is/are pending in the application.
- 4a) Of the above claim(s) 25-28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-9,11-15,17-21,23,24 and 29-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>0908</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement (IDS) submitted on 29 September 2008 was filed after the mailing date of the Non-Final Rejection on 27 June 2008. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 1-3, 5-9, 11-15, 17-21, 23-24 and 29-32 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Amended claims 1-3, 5-9, 11-15, 17-21, 23-24 and 29-32 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: how the installation chamber and the mechanism for setting an evaporation material in each of the first through third evaporation sources in the installation chamber relate to one another. It is unclear whether the setting mechanism is also in fact the means adapted to move each of the evaporation sources

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(as this is the only mechanism illustrated in the installation chamber), a separate mechanism provided in the installation chamber (as previously claimed) or the installation chamber itself (as described in paragraph 152 of the pgpub). Clarification is requested. Because no explanatory and/or clarifying details are shown Examiner interpreted the limitation broadly and as the mechanism comprising the installation chamber itself.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 1-3, 5-6, 13-15, 17-21, 23-24, 29 and 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Publication No. 2002/0009538 A1 to Arai in view of Japanese Patent Publication No. 2000223269A to Aoshima et al.

8. Regarding claims 1, 13 and 19: Arai discloses an apparatus for forming a film substantially as claimed in Figures 1-3, comprising: a conveyance chamber (501) connected to a load chamber (504); a film formation chamber (506) connected to the conveyance chamber; and an installation chamber (508) connected to the film formation chamber comprising means adapted to move first, second and third evaporation sources (evaporation sources 109 a-c; interior transferring mechanism, see paragraph 52). As noted above, the mechanism for setting an evaporation material in each of the first, second and third evaporation sources in the installation chamber can broadly be interpreted as the installation chamber itself. Also, with respect to the shape of the openings in the sources, as recited in claims 13 and 19, the courts have held that selections of shape are a matter of choice which a person of ordinary skill in the art will find obvious absent persuasive evidence that the particular configuration of the claimed shape was significant. In re Dailey, 357 F.2d 669, 149 USPQ 47 (CCPA 1966).

9. However, few details are given on regarding the means adapted to move the first second and third interior transferring mechanism.

10. Aoshima et al. disclose an installation chamber (13) comprising means adapted to move (15) first, second and third evaporation sources, wherein the means to move the first, second and third evaporation sources is configured to move in an x direction, y direction and z direction in a film formation chamber (see arrows in Figures 1 and 2 and

paragraph 20 of online JPO translation) for the purpose of providing an organic thin film forming device that is suitable for mass production and can continuously produce highly-reproducible organic films (abstract).

11. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to have provided the installation chamber of Arai comprising means adapted to move the first, second and third evaporation sources, wherein the means to move the first, second and third evaporation sources is configured to move in an x direction, y direction and z direction in a film formation chamber in order to provide an organic thin film forming device that is suitable for mass production and can continuously produce highly-reproducible organic films as taught by Aoshima et al.

12. Regarding the provision of individual means adapted to move the evaporation sources and individual installation chambers for the means adapted to move the evaporation chambers, Examiner notes that the courts have ruled that the mere duplication of parts has no patentable significance unless a new and unexpected result is produced. In re Harza, 274 F.2d 669, 124 USPQ 378 (CCPA 1960). In the instant case, duplicating the means adapted to move the evaporation sources and the installation chamber such that individual means adapted to move were provided for each of the evaporation sources in a single chamber or in individual chambers would produce neither a new, nor an unexpected result.

13. It is also noted that the mechanism for setting an evaporation material in each of the first, second and third evaporation sources in the installation chamber can be

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interpreted as a conveyance program of a control program as provided in Aoshima et al. (see paragraph 20 of translation).

14. With respect to claims 2, 14 and 20, Aoshima et al. disclose the provision of an evacuating and exhausting means (17) of the installation chamber.

15. With respect to claims 3, 15 and 21, in Arai, the film formation chamber is connected to an evacuation/exhaust treatment chamber (108) and has means for introducing at least one of a material gas and a cleaning gas (107).

16. With respect to claims 5, 17 and 23, Arai discloses the film formation chamber having a shutter (105) that sections the film formation chamber and shields evaporation of the substrate.

17. With respect to claims 6, 18 and 24, the apparatus of Arai also further comprises a sealing chamber (511) connected to the conveyance chamber, wherein the sealing chamber is connected to evacuating/exhausting means and has a mechanism for applying a seal material (paragraphs 55-58). Examiner notes that the courts have ruled that claims directed to apparatus must be distinguished from the prior art in terms of structure rather than function. In re Danly, 263 F.2d 844, 847, 120 USPQ 528, 531 (CCPA 1959).

18. Regarding claims 29 and 31-32, see paragraph 12 above, regarding duplication of parts.

19. Claims 7-9, 11-12 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Publication No. 2002/0009538 A1 to Arai in view of Japanese Patent Publication No. 2000223269A to Aoshima et al. and U.S. Patent Publication No. 2002/0030443 to Konuma et al.

20. Regarding claim 7: Arai discloses an apparatus for forming a film substantially as claimed in Figures 1-3, comprising: a conveyance chamber (501) connected to a load chamber (504); a film formation chamber (506) connected to the conveyance chamber; and an installation chamber (508) connected to the film formation chamber comprising means adapted to move first, second and third evaporation sources (evaporation sources 109 a-c; interior transferring mechanism, see paragraph 52). As noted above, the mechanism for setting an evaporation material in each of the first, second and third evaporation sources in the installation chamber can broadly be interpreted as the installation chamber itself. Also, with respect to the shape of the openings in the sources, as recited in claims 13 and 19, the courts have held that selections of shape are a matter of choice which a person of ordinary skill in the art will find obvious absent persuasive evidence that the particular configuration of the claimed shape was significant. In re Dailey, 357 F.2d 669, 149 USPQ 47 (CCPA 1966).

21. However, few details are given on regarding the means adapted to move the first second and third interior transferring mechanism.

22. Aoshima et al. disclose an installation chamber (13) comprising means adapted to move (15) first, second and third evaporation sources, wherein the means to move the first, second and third evaporation sources is configured to move in an x direction, y



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direction and z direction in a film formation chamber (see arrows in Figures 1 and 2 and paragraph 20 of online JPO translation) for the purpose of providing an organic thin film forming device that is suitable for mass production and can continuously produce highly-reproducible organic films (abstract).

23. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to have provided the installation chamber of Arai comprising means adapted to move the first, second and third evaporation sources, wherein the means to move the first, second and third evaporation sources is configured to move in an x direction, y direction and z direction in a film formation chamber in order to provide an organic thin film forming device that is suitable for mass production and can continuously produce highly-reproducible organic films as taught by Aoshima et al.

24. Regarding the provision of individual means adapted to move the evaporation sources and individual installation chambers for the means adapted to move the evaporation chambers, Examiner notes that the courts have ruled that the mere duplication of parts has no patentable significance unless a new and unexpected result is produced. In re Harza, 274 F.2d 669, 124 USPQ 378 (CCPA 1960). In the instant case, duplicating the means adapted to move the evaporation sources and the installation chamber such that individual means adapted to move were provided for each of the evaporation sources in a single chamber or in individual chambers would produce neither a new, nor an unexpected result.

25. It is also noted that the mechanism for setting an evaporation material in each of the first, second and third evaporation sources in the installation chamber can be interpreted a conveyance program of a control program as provided in Aoshima et al. (see paragraph 20 of translation).

26. Arai and Aoshima et al. disclose the apparatus substantially as claimed and as described above.

27. However, Arai and Aoshima et al. fail to disclose the apparatus comprising an aligning means that aligns a mask and a substrate.

28. Konuma et al. disclose an aligning means that aligns a mask and a substrate for the for the purpose of providing the high accuracy positioning as required (paragraphs46 and 47).

29. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to have provided an aligning means that aligns a mask and a substrate in Arai and Aoshima et al. in order to provide the high accuracy positioning as required as taught by Konuma et al.

30. With respect to claims 8, Aoshima et al. disclose the provision of an evacuating and exhausting means (17) of the installation chamber.

31. With respect to claim 9, in Arai, the film formation chamber is connected to an evacuation/exhaust treatment chamber (108) and has means for introducing at least one of a material gas and a cleaning gas (107).

32. With respect to claim 11, Arai discloses the film formation chamber having a shutter (105) that sections the film formation chamber and shields evaporation of the substrate.

33. With respect to claim 12, the apparatus of Arai also further comprises a sealing chamber (511) connected to the conveyance chamber, wherein the sealing chamber is connected to evacuating/exhausting means and has a mechanism for applying a seal material (paragraphs 55-58). Examiner notes that the courts have ruled that claims directed to apparatus must be distinguished from the prior art in terms of structure rather than function. In re Danly, 263 F.2d 844, 847, 120 USPQ 528, 531 (CCPA 1959).

34. Regarding claim 30, see paragraph 24 above, regarding duplication of parts.

### ***Response to Remarks***

Applicant's arguments with respect to claims 1-3, 5-9, 11-15, 17-21, 23-24 and 29-32 have been considered but are moot in view of the new ground(s) of rejection. Arai in view of Aoshima and Konuma fairly teach the claim limitations as amended 26 March 2008.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KARLA MOORE whose telephone number is (571)272-1440. The examiner can normally be reached on Monday-Friday, 9:00 am-6:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Parviz Hassanzadeh can be reached on 571.272.1435. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Karla Moore/  
Primary Examiner, Art Unit 1792